

**REMARKS**

1. Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 1-24 under 35 U.S.C. § 101 as a double patenting rejection.

The present Response to Office Action cancels claims 1-24.

2. Claims 26-34 stand rejected as being directed to non-statutory subject matter.

The Examiner says that all the steps that follow the preamble can be done manually. Although Applicants do not agree, in order to move the case forward, claims 26 and 32 (and by extension the claims that depend therefrom) have been amended in accordance with the Examiner's suggestion as is shown in the claim listing above.

3. Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claim 25 as being indefinite under 35 U.S.C. § 112 for failure to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The examiner indicated that a limitation lacked

sufficient antecedent basis. The Examiner will note that claim 25 has been amended in response.

#### 4. Claim Rejections Under 35 U.S.C. § 103

With respect to the rejection of claims 26-34 under 35 U.S.C. § 103(a) as being unpatentable over *Sockut et al.* (Patent No. 6,026,412) (hereafter "Sockut"), Applicants make the following observations.

The following makes at least two points: (a) Sockut records an old RID and a new RID after the new space has been loaded; and (b) in contrast, the present invention improves physical to hierarchical correspondence by determining a future relative address if the segments were to be positioned sequentially according to a selected algorithmic order that expresses a selected hierarchical relationship of the plural segments.

In Sockut, "the steps of reorganization of the present invention are shown" in Fig. 5. The step by step disclosure says, "[a]t step 502, the first current RBA for the log is recorded and stored as a variable called BEGIN\_RECENT. The variable is part of the reorganizer's storage area. \* \* \* Next, at step 504, a reorganization (unload, sort, and reload) is performed by the reorganizer directing the reorganized version of the data record into a new area. \* \* \* When the reorganizer unloads a

record's data from the old area, it also "unloads" the old RID, not just the record's data. *When reorganizer reloads into the new area, it reloads just the record's data, not a RID, but it also inserts an entry containing the old RID and the new RID into the mapping table.*" (Sockut Col. 7, l. 63 to Col. 8, l. 8, emphasis added.)

Consequently, the mapping table includes an old RID and a new RID with the new RID being a result of the record's placement in the new area. The contents of the mapping table in Sockut are determined by the placement in the new area yet there is absolutely no description of that placement bearing any relationship to a selected heirarchical relationship amongst the records.

This is in contrast to the present invention which improves the physical to hierarchical correspondence for a plurality of segments in a dataset by determining in a first selected algorithmic order, a future relative address of each of the plural segments in relations to a database location *if the segments were to be positioned sequentially according to the selected first algorithmic order, the selected first algorithmic order being expressive of a selected hierarchical relationship of the plural segments \* \* \*. (from claim 26).* Thus, in the present invention, physical to hierarchical correspondence is improved because the loading of the database relates to the selected algorithmic order. In Sockut, on the other hand, since there is no contemplation of the heirarchical order, the mapping table merely reflects an

artifact of the loading without having an impact on the relative positions where the records are loaded. Consequently, the present invention is clearly distinct from Sockut. The present invention has an impact on loading (improvement in correspondence between physical location and hierarchical relationship) while in Sockut, the mapping table merely records the impact of loading after it has been done without any apparent regard for hierarchical relationship. Thus, the very thing that the Examiner has admitted is not present in Sockut is a clear distinction between Sockut and the present invention that affects the utility that the present invention provides.

The Examiner's suggestion that a sequence of events is a reasonable interpretation of algorithmic order cannot be correct in this case. The claims recite the attribute of an algorithmic order – it is "expressive of a selected hierarchical relationship of the plural segments." Therefore, an algorithmic order cannot reasonably be interpreted to be a sequence of events.

After noting the above related distinctions and considerations, the Applicants believe that the Examiner will appreciate that Sockut and the Examiner's presumption that algorithmic order = sequence of events (shown not to apply here) cannot render the present claims 26-34 (as amended by inclusion of "computer-implemented") unpatentable.


Consequently, the Applicants request that the Examiner issue a Notice of Allowance upon his first opportunity and thank the Examiner for his courtesies.

The Commissioner is hereby authorized by this written request to treat this or any concurrent or future reply that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The Commissioner is further authorized to charge all required fees, fees under 37 C.F.R. § 1.17, or any required extension of time fees to Deposit Account No. 50-3534, on which the undersigned is authorized to sign, and to treat such authorization to charge Deposit Account No. 50-3534 as a constructive petition for an extension of time in this or any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission.

Respectfully submitted,

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